

Council Actions	Land Use Status	Results	Votes to Approve
<p>Leave the zoning as SF-3/SF-6</p> <p>Approved on 1st reading</p>	<p>Non-conforming</p>	<p>Business may continue operating as a Construction Sales and Services use if site returned to its 1986 configuration.</p> <p>No new commercial improvements may be made</p> <p>Materials on ground must be removed.</p> <p>Compatibility buffer enforced (dirt drive to rear of property and cars must be removed)</p> <p>6' fence between business and single-family next door may be required</p>	<p>4</p>
<p>Change the zoning to LO-MU-CO-NP (CO requiring 30' vegetative buffer)</p> <p>PC Approved</p> <p>Approved on 2nd Reading</p> <p>Neighborhood Supports</p>	<p>Non-conforming</p>	<p>Business may continue operating as Construction Sales and Services if returned to its 1986 configuration.</p> <p>Minor expansion to 1986 configuration may be permitted. Site plan may be required at that time. A site plan triggers the enforcement of a conditional overlay in a zoning ordinance.</p> <p>Materials on ground must be removed.</p> <p>Compatibility buffer enforced (cars and dirt drive to rear of property must be removed)</p> <p>6' fence between business and single-family next door may be required</p>	<p>6 (valid petition)</p>
<p>Change zoning to CS-MU-CO-NP with a roll-back restrictive covenant</p> <p>Limit uses to LO with addition of Construction Sales and Services use</p> <p>25' vegetative buffer</p> <p>Right turn only egress from site</p> <p>Front fence with gate access</p> <p>Property Owner Supports</p>	<p>Conforming</p>	<p>Business may continue operating and could expand in the future.</p> <p>If property owner wishes to maintain improvements made after 1986, and make additional improvements, a site plan will be required.</p> <p>Materials on ground must be removed or stored in other elevated structure.</p> <p>Compatibility buffer enforced (cars and dirt drive to rear of property must be removed)</p> <p>6' fence between business and single-family next door may be required</p>	<p>6 (valid petition)</p>

55-removed per.



# Agenda Items 55/56

103 Red Bird Lane, Austin, Texas 78745-3122

February 2, 2006

Austin City Council

Council Members,

We would like to submit our opposition to any change to the zoning of our property at 103 Red Bird Lane, Austin, Texas 78745-3122, other than CS-MU-CO-NP with conditions as written in the council's draft rezoning ordinance & restrictive covenant.

Respectfully,

Brenda S. Harper

Thomas F. Harper

General Contractors, Construction Management  
Plumbing & Electrical Service  
Parks & Playgrounds

512-440-0707

512-440-0736 Fax

# Agenda Items 55/56

February 27, 2006

Deral Hendrix  
304 Red Bird Lane  
Austin, Texas 78745  
[deral@austin.rr.com](mailto:deral@austin.rr.com)

re: C14-05-0106  
103 Red Bird Lane, Tract 30

Dear City Council:

The 'Bird' Street neighborhood agreed to meet with Mr. Tommy Harper, owner/operator of above-referenced property, for a third time on 2/14/06 at the urging of Kathleen Welder of NPZD. This meeting was to be a final effort to resolve previously insurmountable differences prior to the Council meeting scheduled for 2/16/06. Mr. Harper had been steadfast in his position to operate "business as usual" and have the City Council validate this with a zoning change to CS, etc. The neighborhood had been somewhat more flexible by moving from its steadfast SF3-SF6 to an acceptance of the LO-MU-CO-NP, recommended by the Planning Commission. In addition, after the 12/15/05 Council meeting where comments of support for Mr. Harper were voiced by council and directions were given to staff to draft ordinances for CS and LO, it became obvious to the neighborhood that the best we could do would be to try to limit the impact as much as possible by proposing conditions to the CS zoning. It would be fair to say that neither party expected much more than to say they attended in good faith.

To describe the 2/14/06 meeting itself as anything other than astounding would not do it justice. Through the efforts of Ms. Welder each side distilled its major obstacles, and for the first time both sides moved in a forward direction, prompted by Mr. Harper's statement that he would "pretty much sign anything to get this matter settled", but mostly by what seemed like a genuine statement that he would initiate the next day efforts to find an off-site solution to his storage problems. This, of course, would solve virtually all the major differences between the two parties, as discussed earlier in the meeting. Further discussion on this subject included offers by neighbors to help locate property.

The meeting euphoria then was stifled somewhat when Ms. Welder discussed the likelihood that even with the CS ordinance passed and the limited restrictive covenant signed, Mr. Harper would have to take absolutely no action unless a site plan was "triggered". We were equally frustrated and discouraged. What followed was a long discussion about replacing the "limited" restrictive covenant with one that was enforceable and included all the conditions to CS that the neighborhood and Mr. Harper thought they would be able to agree upon (for the most part these were the proposed neighborhood conditions dealing with traffic, a change to make the vegetative buffer 25' instead of 30', and probably an elimination of the front fence proposal).

So, the meeting ended with the following agreements between the two parties:

- 1) a new inclusive restrictive covenant to be created to supplant the "limited" restrictive covenant, since both sides agreed the zoning ordinance was incapable of effecting a compromise by itself;
- 2) an off-site storage solution would be aggressively sought by Mr. Harper, with help offered by several neighbors;
- 3) we would mutually seek a 30-day delay to allow the opportunity for 1) and 2) to be accomplished and satisfactorily end the controversy.

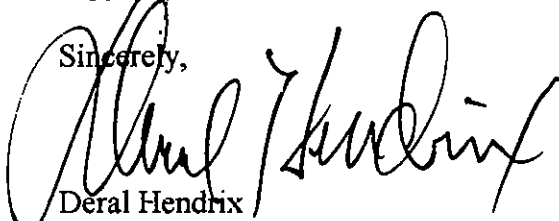
The enthusiasm and optimism of the entire group seemed to be palpable.

Andrea Thomas of the neighborhood group got an early start on 2/15/06 and called an acquaintance who owns a large lot on S. 1<sup>st</sup> St. within 1 ½ mi. of our neighborhood to inquire about rental availability for a stack lot. After affirmation, Ms. Thomas called Mr. Harper at 8:30am with the information, at which time Mr. Harper announced that 1) he could not consider any off-site solutions because of "logistical problems"; 2) he was going to sign the "limited" restrictive covenant; and 3) he no longer was willing to ask for a 30-day delay and wanted a vote by the council the next day.

A stunned Ms. Thomas then delayed departure to her job to alert fellow attendees to the previous night's meeting and seek help in finding a temporary solution to this dramatic turn of events. In the flurry of ensuing activity we discovered from NPZD that each side traditionally has one delay to be automatically granted, we formally requested such a delay, and discovered at the beginning of the Council meeting on 2/16/06 that it was granted and reset for 3/2/06. After subsequent internal meetings and extensive discussions, we decided to seek an audience with Council aides before the meeting and plead our case once more. In addition, we took a vote on 2/26/06 and decided to 1) support and consider only the zoning recommended by PC and addressed in the pending valid petition, LO-MU-CO-NP, and no longer condone or consider CS, etc. zoning under any conditions, thus 2) have no further discussions or dealings with Mr. Tommy Harper.

We then are asking for the support of Council for the above-mentioned valid petition, copy attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Deral Hendrix". The signature is fluid and cursive, with a large initial "D" and "H".

Deral Hendrix

For the 'Bird Street' neighborhood

# PETITION

Date: 10-04-2005

File Number: C 14-05-0106

103 Red Bird Lane Austin, Texas 78745

Rezoning Request: LO-MU-CO-NP

## To: Austin City Council

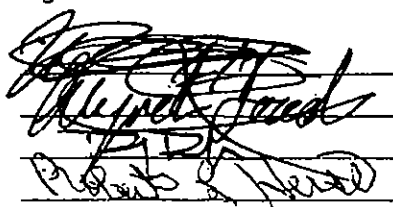
We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-MU-CO-NP

The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and has outgrown its location.

Signature

Printed Name

Address

  
Robert L. Heise

H.B. MASSINGILL III  
ALEJANDRO LOPEZ  
REXFORD BURNS  
Robert L. Heise

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204 RED BIRD LN  
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